United Nations CEDAW/C/MMR/CO/4-5

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Myanmar*

1. The Committee considered the combined fourth and fifth periodic reports of Myanmar (CEDAW/C/MMR/4-5) at its 1407th and 1408th meetings, on 7 July 2016 (see CEDAW/C/SR.1407 and 1408). The Committee's list of issues and questions is contained in CEDAW/C/MMR/Q/4-5 and the responses of Myanmar are contained in CEDAW/C/MMR/Q/4-5/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined fourth and fifth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarification provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Permanent Representative of Myanmar to the United Nations Office and other international organizations in Geneva, Maung Wai, and comprised representatives of various ministries and government agencies, including the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Social Welfare, Relief and Resettlement and the Committee for Women's and Children's Rights of the Amyotha Hluttaw, Yangon region.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2008 of the State party's combined second and third periodic reports (CEDAW/C/MMR/3) in undertaking legislative reforms, in particular the adoption of the following legislation:

* Adopted by the Committee at its sixty-fourth session (4-22 July 2016).

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(a) Minimum Wage Law of 22 March 2013, which provides that both women and men are entitled, without discrimination, to be paid the legal minimum wage;

(b) Employment and Skill Development Law of 31 August 2013, which provides for the creation of internal job opportunities and the enhancement of worker skills, without discrimination on the basis of sex;

(c) Social Security Law of 31 August 2012, which ensures that women and men enjoy, on an equal basis, the benefits of new insurance programmes, including the provision of maternity insurance for women.

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and advancing women's rights, such as the adoption of the following:

(a) National strategic plan for the advancement of women, covering the period 2013-2022;

(b) Five-year strategic plan for reproductive health, covering the period 2014-2018;

(c) Thirty-year long-term health development plan, covering the period 2001-2030.

6. The Committee welcomes the accession of the State party to the following international instruments since the consideration of its previous periodic report:

(a) Convention on the Rights of Persons with Disabilities, in 2011;

(b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2012.

C. Principal areas of concern and recommendations

Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Legal status and visibility of the Convention

8. The Committee, recalling its previous concluding observations (see CEDAW/C/MMR/CO/3, para. 8), notes that there is still a lack of clarity regarding the applicability of the Convention in the State party. The Committee remains concerned that the Constitution does not include an effective guarantee of substantive equality. The Committee is also concerned:

(a) That notwithstanding the State party's efforts to raise awareness, including through the media, the provisions of the Convention are not sufficiently known in the State party;

(b) That the Committee's previous recommendations (see CEDAW/C/MMR/CO/3) have not been fully implemented by the State party.

9. **The Committee recommends that the State party:**

(a) **Fully integrate the provisions of the Convention into national law;**

(b) **Intensify existing programmes to raise awareness of the Convention, the Committee's general recommendations and women's human rights among relevant stakeholders, including government officials, parliamentarians, legal professionals, law enforcement officers and community leaders;**

(c) **Adopt a national action plan for the implementation of the present concluding observations with clear targets and indicators to ensure effective monitoring and evaluation of progress.**

Definition of discrimination against women

10. The Committee remains concerned at the lack of a comprehensive definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres, in line with article 1 of the Convention. It recalls that the lack of such a definition constitutes an impediment to the full application of the Convention in the State party.

11. **The Committee reiterates its previous recommendation (see CEDAW/C/MMR/CO/3, para. 9) that the State party urgently adopt a comprehensive definition of discrimination against women in national legislation, such as its anti-discrimination bill, in line with article 1 of the Convention, with a view to ensuring that women are protected against both direct and indirect discrimination in all spheres of life.**

Women and peace and security

12. The Committee notes the State party's commendable efforts in seeking to end armed conflict in the State party such as the signing of a nationwide ceasefire agreement between the Government and eight ethnic armed organizations on 15 October 2015. It also notes that the State party is making efforts to enter into a ceasefire agreement with the remaining armed organizations and that a peace conference will be held in August 2016. However, the Committee notes with concern:

(a) The absence of a national action plan for the implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security to guide conflict and post-conflict processes in the State party;

(b) The underrepresentation of women in the peace negotiations and post-conflict processes.

13. **The Committee urges the State party:**

(a) **To give due consideration to the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by developing a comprehensive national action plan for the implementation of resolution 1325 (2000) on women and peace and security to address all areas of concern in order to ensure durable peace in the State party;**

(b) To fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with resolution 1325 (2000), and take into consideration the full spectrum of the Security Council's women and peace and security agenda, as reflected in its resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2122 (2013) and 2242 (2015) as well as in general recommendation No. 30;

(c) To include in its next periodic report information on its legal framework, policies and programmes for ensuring the human rights of women in conflict prevention, conflict and post-conflict situations, and to provide additional information on its implementation of the Security Council's agenda on women and peace and security, in line with general recommendation No. 30.

Constitution, discriminatory laws and lack of legal protection

14. The Committee commends the State party on establishing a parliamentary commission for the assessment of legal affairs and special issues, which is currently reviewing more than 140 national laws to ensure compliance with international human rights treaties. The Committee regrets that its previous concluding observations regarding existing discriminatory provisions (see CEDAW/C/MMR/CO/3, para. 10) have not been fully addressed, notwithstanding efforts to repeal and amend all laws that discriminate against women. The Committee is particularly concerned:

(a) That the Constitution still contains references to women as mothers, which may reinforce the stereotype that the primary role of women is to bear children;

(b) That Chapter 8, section 352, of the Constitution, despite the prohibition therein of discrimination on the basis of sex in the making of appointments to government posts, still provides that "nothing in this section shall prevent the appointment of men to the positions that are naturally suitable for men only";

(c) That, in May and August 2015, the State party adopted the Buddhist Women Special Law, the Population Control and Health-Care Law, the Religious Conversion Law and the Monogamy Law, which discriminate against women and have a negative impact on the enjoyment of their rights under the Convention;

(d) That the revision and enactment of several laws that would promote gender equality are still pending, including an anti-discrimination bill, a bill on the prevention of violence against and protection of women, the Penal Code, the Electoral Code and the Citizenship Law of 1982;

(e) That there is no comprehensive law guaranteeing protection against forced displacement or programmes focusing on women who are vulnerable to forced evictions, in particular those belonging to ethnic minority groups such as the Rohingya.

15. **The Committee reiterates its previous recommendations (see CEDAW/C/MMR/CO/3, para. 11) that the State party, without delay:**

(a) Amend the Constitution in order to remove stereotypical references to the roles of women and men in the family and in society, as well as all other discriminatory provisions, including regarding appointment to the civil service;

(b) Amend or repeal the Buddhist Women Special Law, the Population Control and Health-Care Law, the Religious Conversion Law and the Monogamy Law in order to ensure full compliance with the provisions of the Convention;

(c) Enact comprehensive legislation that protects women, in particular women belonging to various ethnic minority groups such as the Rohingya, from forced displacement;

(d) Expedite the revision of all discriminatory laws and provisions and the adoption of new laws to promote gender equality.

National human rights institution

16. The Committee recalling its previous concluding observations (see CEDAW/C/MMR/CO/3, para. 14), remains concerned that the Myanmar National Human Rights Commission, with respect to the appointment of its members, is not in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee is also concerned at reports that the Commission is failing to adhere to confidentiality when addressing complaints under its legal complaint mechanism and at the lack of adequate funding for its activities.

17. The Committee recalls its previous recommendation (see CEDAW/C/MMR/CO/3, para. 15) to address concerns regarding the funding and appointment of the members of the Myanmar National Human Rights Commission to ensure that the Commission is in full compliance with the Paris Principles. It also calls upon the State party to address concerns regarding breaches of confidentiality in the handling of claims, including claims submitted by women alleging violations of their rights.

Access to justice

18. The Committee notes with concern that women's access to justice is limited, with the provision of legal aid largely limited to criminal defendants in cases punishable by the death penalty. It is particularly concerned at reports of judicial corruption and executive interference in the judiciary, which has eroded women's trust in the administration of justice. The Committee is also concerned about social and cultural stigma, which deter women and girl victims from reporting sexual and gender-based violence. It is further concerned that women, in particular rural women and those belonging to ethnic minority groups, face additional obstacles in gaining access to justice relating to language, geography and fear of reprisal.

19. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Ensure that adequate funding is provided for legal aid and that it is provided free of charge and remove all barriers faced by women, in particular women belonging to ethnic minority groups, in gaining effective access to justice in all parts of the State party, including in rural areas;

(b) Enhance women's legal literacy and raise awareness on the part of women and men of their rights in order to eliminate the stigmatization of women and girls who claim their rights;

(c) Initiate the reforms necessary to ensure that the judiciary is independent, impartial, professional and gender-sensitive as a means of safeguarding women's rights.

National machinery for the advancement of women

20. The Committee commends the State party on establishing the Myanmar National Committee for Women's Affairs, which coordinates the national machinery for the advancement of women. The Committee is, however, concerned at that body's lack of institutional stature and budgetary and human resources to ensure effective monitoring and evaluation of the implementation of laws and policies concerning women's rights. The Committee notes that the national strategic plan for the advancement of women, whose implementation the National Committee is mandated to monitor, lacks implementation plans and needs to be revised to adapt it to the legal and political changes that have taken place in the State party. The Committee is also concerned at the lack of clarity with respect to cooperation between the National Committee, the Myanmar Women's Affairs Federation and the gender units in various government departments.

21. **The Committee recommends that the State party provide the Myanmar National Committee for Women's Affairs with adequate resources and institutional stature to be able to coordinate activities as the national machinery for the advancement of women in the State party. It also recommends that the State party continue to strengthen the National Committee by clarifying its cooperation with the Myanmar Women's Affairs Federation and the gender units in various government departments to enable the National Committee to effectively carry out its activities, including those relating to gender mainstreaming and gender budgeting. The Committee further recommends that the results of the ongoing assessment of the impact of the national strategic plan for the advancement of women inform policy changes that need to be made to ensure that the National Committee can effectively coordinate the implementation of the strategic plan.**

Temporary special measures

22. The Committee is concerned at the State party's lack of understanding of temporary special measures aimed at accelerating substantive equality between men and women. In particular, it is concerned at the absence of temporary special measures, including statutory quotas, to address the underrepresentation of women, including women from ethnic and other minority groups, in decision-making positions in the public and private sectors an in political life.

23. **The Committee calls upon the State party to use temporary special measures, such as statutory quotas, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men, in particular to enhance the rights of women belonging to ethnic minority groups, including the Rohingya, and women with disabilities in all relevant areas of the Convention.**

Stereotypes and harmful practices

24. The Committee remains concerned at the persistence of patriarchal attitudes and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society. It is particularly concerned at the persistence of such stereotypes in educational textbooks, which may have an impact on educational choices and the sharing of family and domestic responsibilities between women and men. The Committee is also concerned at:

(a) The lack of a comprehensive strategy to eliminate patriarchal attitudes and discriminatory stereotypes, which are partly fomented by religion;

(b) The lack of data on child marriage and other harmful practices in the State party;

(c) Discriminatory stereotypes faced by ethnic minority women, in particular Muslim women in Rakhine State.

25. **The Committee reiterates its previous recommendation (see CEDAW/C/MMR/CO/3, para. 21) that the State party:**

(a) Adopt a comprehensive strategy aimed at eliminating discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, as well as harmful practices such as child marriage;

(b) Intensify its efforts to change social norms that reinforce the traditional roles of women and men and to promote positive cultural traditions that strengthen the human rights of women and girls;

(c) Review educational textbooks and materials to eliminate discriminatory gender stereotypes;

(d) Provide disaggregated data on the incidence of child marriage in the next periodic report;

(e) Regularly monitor and assess the impact, through an independent expert body, of measures taken to eliminate discriminatory stereotypes and prejudice against women, in particular ethnic minority women and Muslim women in Rakhine State.

Gender-based violence against women

26. The Committee notes that the State party is making efforts to review its laws. It is concerned, however, at the lack of information on steps taken to review the Penal Code in order to address various issues, including the restrictive definitions of the crime of rape, which requires that there be penile penetration, and the crime of marital rape, which applies only when a married woman is under 15 years of age. The Committee expresses particular concern at:

(a) Continuing sexual violence perpetrated by the military and armed groups against rural women and ethnic minority women, in particular in Kachin, Kayah, Kayin Mon and Rakhine States; widespread impunity enjoyed by perpetrators of such violence as well as threats and revictimization of women who attempt to report such cases; the low rate of prosecution of perpetrators of gender-based violence against women, in particular when such crimes are committed by the military and

armed groups; and the conferment of immunity on perpetrators of crimes of sexual violence;

(b) The prevalence of domestic violence and the lack of information on the legal procedures for issuing protection orders, as well as the lack of shelters for women and girls who are victims of violence, including domestic violence;

(c) The reluctance of women and girls, in particular women in rural areas and ethnic minority women, who are victims of violence, including domestic violence, to report cases to the authorities owing to fear of reprisals;

(d) The lack of information on the time frame for the adoption of the bill on the prevention and protection of violence against women and the use of traditional justice mechanisms, which often perpetuate gender-based violence against women, such as that requiring a victim of rape to marry the perpetrator.

27. **Recalling its general recommendation No. 19 (1992) on violence against women, and its previous recommendations (see CEDAW/C/MMR/CO/3, para. 25), the Committee recommends that the State party:**

(a) Make full use of the Convention, the general recommendation and related jurisprudence when reforming domestic laws, including the Penal Code, to ensure that the definitions of rape and marital rape are in full compliance with the Convention;

(b) Repeal all laws that perpetuate impunity for sexual violence committed during and after conflict and expedite the investigation and prosecution of crimes of sexual violence perpetrated by the military and armed groups;

(c) Investigate cases in which women who accuse members of the military and armed groups of sexual violence are threatened and/or revictimized, and punish the perpetrators, and ensure that comprehensive and effective victim and witness protection programmes are in place;

(d) Provide information in the next periodic report on the legal procedure for the issuance of protection orders and provide data with respect to the use of such orders that are disaggregated by age, ethnicity and relationship between the victim and the perpetrator;

(e) Encourage reporting by victims of all forms of gender-based violence against women and girls, in particular ethnic minority women, and ensure that shelters are adequately equipped and available to women who are victims of violence;

(f) Ensure training of law enforcement and other relevant personnel in the strict application of relevant provisions of criminal law and in gender-sensitive handling of complaints of gender-based violence against women, including domestic violence;

(g) Ensure that the bill on the prevention and protection of violence against women complies with the Convention and is adopted without further delay, and curb the use of traditional justice mechanisms that do not provide effective redress for women and girls who are victims of violence.

Trafficking and exploitation of prostitution

28. The Committee commends the State party on the adoption of a five-year national plan of action to combat trafficking in persons, covering the period 2012-2016, and the establishment of an anti-trafficking in persons division in 2013. The Committee notes that the Anti-Trafficking in Persons Law (2005) and the Suppression of Prostitution Act (1949) are currently under review. It also welcomes efforts by the State party to combat trafficking by signing memorandums of understanding with China and Thailand. The Committee notes with concern, however, that the State party remains a source country for trafficking in persons, in particular women and girls, for purposes of sexual and labour exploitation. The Committee is particularly concerned:

(a) That women and girls continue to be trafficked to neighbouring and other countries for sexual and labour exploitation;

(b) That limited progress has been made to address the root causes of trafficking, including poverty, illiteracy and domestic violence;

(c) That there is no national referral mechanism to address trafficking in persons;

(d) That data on the exploitation of prostitution are not available, notwithstanding reports that women who engage in prostitution face violence and exploitation, including at the hands of the police.

29. **The Committee recommends that the State party:**

(a) **Expedite the review of the Anti-Trafficking in Persons Law (2005) and ensure that new anti-trafficking legislation is comprehensive and in line with international norms and standards;**

(b) **Intensify efforts to address the root causes of trafficking in women and girls and ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance;**

(c) **Establish a national referral mechanism and intensify awareness-raising efforts aimed at promoting the reporting of trafficking crimes, the early detection of women and girls who are victims of trafficking and their referral to appropriate services;**

(d) **Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information with other countries in the region and harmonizing legal procedures to prosecute traffickers, in particular with neighbouring States and other relevant States members of the Association of Southeast Asian Nations;**

(e) **Provide information in the next periodic report on the exploitation of prostitution, exit programmes for women in prostitution and measures taken to combat violence against them.**

Participation in political and public life

30. The Committee notes the State party's efforts to promote the participation of women in political and public life following the general elections held in 2015. The Committee remains concerned, however, at:

(a) The low representation of women at the legislative, ministerial and local government (village committee) levels, as well as in the judiciary, the military, the diplomatic service and academic institutions;

(b) The lack of temporary special measures, including statutory quotas, aimed at guaranteeing and accelerating substantive equality of women and men in political and public life;

(c) The lack of information on the representation of women with disabilities and ethnic minority women, such as Rohingya Muslim women, in decision-making positions.

31. **The Committee reiterates its previous recommendation (see CEDAW/C/MMR/CO/3, para. 29) that the State party:**

(a) Adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendations No. 25 and No. 23 (1997) on women in political and public life, in order to guarantee and accelerate women's full and equal participation at all levels, including the legislative, ministerial, and local government (village committee) levels, as well as in the judiciary, the military, the diplomatic service and academic institutions;

(b) Provide information in the next periodic report on specific measures taken, including temporary special measures, to promote the representation of women with disabilities and ethnic minority women such as those belonging to the Kachin, Kaman, Rohingya and other ethnic minority groups in decision-making positions.

Nationality

32. The Committee notes that, in January 2015, the State party reinstituted a citizenship verification exercise in order to address citizenship issues in northern Rakhine State. The Committee is concerned, however, that the exercise, which entails the issuance of identification documents to members of the Rohingya Muslim ethnic group, still uses the outdated Citizenship Law of 1982, which is discriminatory since it results in the arbitrary deprivation of nationality. The Committee recalls its previous concluding observations (see CEDAW/C/MMR/CO/3, paras. 30 and 32) and notes with concern that Rohingya women and girls in Rakhine State are being deprived of their nationality and, therefore, rendered stateless, by the Citizenship Law of 1982. The Committee also notes with concern that members of the Rohingya ethnic group, including women and girls, who refused to identify as "Bengali" have been arbitrarily excluded from the verification process, which was first piloted in June 2014.

33. **The Committee reiterates its previous recommendations (see CEDAW/C/MMR/CO/3, paras. 31 and 33) and recommends that the State party amend the Citizenship Law of 1982 in order to grant citizenship to residents in the State party, in particular women and girls in northern Rakhine State, so**

that they can freely enjoy all human rights. It also recommends compulsory birth registration of those born in camps for internally displaced persons in order to protect them from being rendered stateless.

Education

34. The Committee commends the State party on its efforts to ensure equal access for women and girls to all levels of education and the increase in the rate of girls' participation in primary and secondary education. The Committee is concerned, however, about:

(a) Discriminatory admission criteria that require women, but not men, to attain specific grades in order to enrol in certain traditionally male-dominated courses, such as engineering, at the tertiary level;

(b) The lack of an adequate budget for the education sector, which, coupled with discriminatory stereotypes regarding the education of women and girls, limits their access to education, in particular in rural areas;

(c) Low literacy levels among women throughout the State party, in particular in rural areas, and the fact that women are concentrated in traditionally female-dominated fields of vocational training;

(d) The lack of disaggregated data on the educational status of ethnic minority women and girls;

(e) The lack of information on the impact of age-appropriate education on sexual and reproductive health and rights.

35. **The Committee recommends that the State party:**

(a) **Remove all discriminatory admission criteria regarding women's enrolment in certain traditionally male-dominated courses such as engineering, intensify career guidance activities to encourage girls to pursue studies in non-traditional fields and raise awareness among teaching personnel of the importance of girls completing tertiary education;**

(b) **Increase the budget allocation for the education sector in order to improve girls' access to education;**

(c) **Ensure that the national education strategic plan for the period 2016-2021, which is currently being finalized, provides for programmes aimed at improving literacy among women throughout the State party, including through the provision of adult education;**

(d) **Provide data in the next periodic report on the educational status of ethnic minority women and girls and review vocational training curricula in order to remove gender stereotypes and ensure the diversification of fields of studies for women and girls;**

(e) **Intensify the provision of age-appropriate education on sexual and reproductive health and rights and ensure that it is systematically integrated into school curricula.**

Employment

36. The Committee welcomes the State party's efforts since 2008 to increase the participation of women in the labour market and the implementation of a minimum wage policy in 2013. It is concerned, however, at the wide gender wage gap, the limited implementation and monitoring of the principle of equal pay for work of equal value and the concentration of women in the informal employment sector. The Committee is also concerned at the limited amount of disaggregated data on cases of sexual harassment in the workplace and on measures taken to address those cases. It notes with concern that the right to maternity leave is not applicable to all types of employment and that there is a lack of information on women domestic workers. The Committee also notes with concern that the State party has not ratified the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

37. **The Committee urges the State party:**

(a) **To intensify efforts to gradually transform and reduce the informal sector of employment, eliminate structural inequalities and occupational segregation and reduce the gender pay gap by enforcing the principle of equal pay for work of equal value;**

(b) **To take appropriate sanctions to deter sexual harassment at the workplace and ensure women's access to justice in cases of employment discrimination, including on grounds of pregnancy;**

(c) **To conduct regular labour inspections aimed at enforcing compliance with labour laws;**

(d) **To provide data in the next periodic report on the status of women domestic workers in the State party;**

(e) **To consider ratifying the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.**

Health

38. The Committee commends the State party on its successful programmes aimed at preventing mother-to-child transmission of HIV. It remains concerned, however, at the prevalence of HIV and AIDS and unsafe abortions, which have contributed to the increase in the maternal mortality ratio. The Committee is particularly concerned that, while abortion is permitted when the life of the pregnant woman is in danger, it is criminalized in cases of rape, incest and severe fetal impairment. The Committee is also concerned at the high incidence of infant mortality. The Committee is further concerned at reports regarding women's limited access to sexual and reproductive health services and products, in particular their access to contraceptives.

39. **The Committee recommends that the State party:**

(a) **Intensify efforts to combat HIV and AIDS, in particular preventive strategies, and increase the provision of free antiretroviral treatment to all**

women living with HIV or AIDS, in particular pregnant women, in order to prevent mother-to-child transmission, as well as to men living with HIV or AIDS;

(b) Amend its legislation to legalize abortion not only in cases in which the life of the pregnant woman is threatened, but also in all cases of rape, incest and severe fetal impairment, and to decriminalize abortion in all other cases;

(c) Strengthen the programme for the reduction of maternal, infant and child mortality and ensure the full implementation of the programme for free obstetric care, increasing its geographical coverage, by providing adequate financial and human resources;

(d) Strengthen the training of midwives and nurses to improve the access of women and girl to adequate health care;

(e) Ensure the access of women and girls to information on their sexual and reproductive health and rights, as well as their access to related services, including contraceptives;

(f) Adopt a comprehensive plan with clear targets and indicators aimed at eradicating infant mortality.

Economic and social benefits

40. The Committee notes the State party's efforts to develop strategies for poverty reduction through income-generating activities and access to microcredit. It is concerned, however, that some customs and traditions affect the social lives of women and their access to economic resources. The Committee is also concerned at the lack of information on the applicability of the Social Security Law (2012) to women in the informal employment sector. It is further concerned at the lack of information on the participation of women in the formulation of economic development plans and at their limited access to credit and loan facilities.

41. **The Committee recommends that the State party intensify its efforts aimed at poverty reduction and sustainable development by facilitating the participation of women in the formulation of economic development plans and their access to credit and loan facilities. It also recommends that the State party further intensify its efforts to eliminate all customs and traditions that negatively affect women's access to economic resources. The Committee requests the State party to provide in its next periodic report information on the applicability of the Social Security Law (2012) to women in the informal employment sector and on proper legal remedies for women to contest the granting of concessions and/or to obtain adequate compensation for loss of land.**

Rural women

42. The Committee notes the State party's efforts aimed at promoting rural development, including the issuance of farmland use certificates to women. The Committee is concerned, however, at the low participation of rural women in decision-making, in particular in the formulation of policies, and their limited access to education, employment and health care. The Committee is particularly concerned that rural women face difficulties in gaining access to basic services

owing to conflict in certain rural areas. It also notes with concern reports of forced evictions from land, mainly by the military, with that land then granted to foreign companies under concession.

43. **The Committee recommends that the State party eliminate all barriers that restrict the participation of rural women in policy formulation and expand programmes aimed at facilitating their access to education, employment and health care in order to promote their economic empowerment. The Committee also recommends that the State party ensure effective consultations with affected communities before granting concessions to companies or third parties for the economic exploitation of lands and territories traditionally occupied or used by women, and that it secure the free, prior and informed consent of the women affected.**

Women in northern Rakhine State and other ethnic minorities

44. The Committee, recalling its previous concluding observations (see CEDAW/C/MMR/CO/3, para. 42), notes with concern that the situation of women in northern Rakhine State has not improved. The Committee is particularly concerned:

(a) That the protracted displacement of women and girls, mainly of Kaman and Rohingya background, has led to their living under oppressive conditions with limited access to basic services, including education, employment and health care, and restricted their ability to move freely;

(b) That local requirements that women and girls receive permits before travelling place undue restrictions on their movement, which poses significant obstacles for women and girls in gaining access to education, health care and emergency medical care and other basic services;

(c) That women and girls are subjected to acts of gender-based violence in the context of armed conflict and communal violence;

(d) That, owing to legislation and local orders, women face restrictions on pregnancy and child spacing, such that they are limited to a maximum of two children and must adhere to a spacing between births of at least 36 months;

(e) That limited access to birth registration and identification papers, combined with the application of the outdated Citizenship Law of 1982, renders many women and girls virtually stateless;

(f) That women and girls are vulnerable to trafficking and smuggling owing to a lack of basic services and undue restrictions on their movement;

(g) That notwithstanding the nationwide ceasefire agreement, attacks continue to take place that adversely affect women and girls, including recent attacks on a mosque, a Muslim cemetery and other properties in the Bago region in central Myanmar, as well as a Muslim prayer hall in Kachin State in northern Myanmar;

(h) That, notwithstanding the holding of the Twenty-first Century Panglong Peace Conference in August 2016 and the establishment of a national committee on peace and reconciliation chaired by the State Counsellor, there is no indication that ethnic minority women groups are represented on the national committee.

45. Recalling its previous recommendations (see CEDAW/C/MMR/CO/3, para. 43), the Committee recommends that the State party:

(a) Repeal all local orders that unduly restrict freedom of movement of women in northern Rakhine State and that prevent them from fully enjoying their rights to education, employment, health care and emergency medical care in a timely manner, in particular in emergency and life-threatening situations, and repeal those local orders that restrict child birth and child spacing;

(b) Promptly investigate and prosecute cases of gender-based violence targeting Rohingya women and other ethnic minority women and ensure that those convicted are punished with appropriate sanctions;

(c) Ensure that internally displaced women and girls have access to basic services, including education and health care, and intensify efforts for their resettlement in the context of the Rakhine State government resettlement plan;

(d) Ensure birth registration of Rohingya and those of other ethnic groups and remove all obstacles faced by Rohingya women and girls with regard to citizenship;

(e) Intensify efforts to address the root causes of trafficking by, inter alia, providing Rohingya women and girls with access to basic services, including education, employment and health care;

(f) Urgently establish an independent body to investigate allegations of violence against ethnic minority women and girls, including sexual and gender-based violence, and prosecute alleged perpetrators and, if convicted, punish them with appropriate sanctions;

(g) Take specific measures aimed at ensuring that representatives of ethnic minority women groups participate in peace processes, including conflict and post-conflict processes.

Marriage and family relations

46. The Committee notes that the laws of the State party relating to marriage are varied and depend on the religious affiliation of the parties who enter into marriage. It is concerned, however, at the adoption in 2015 of four so-called "laws on the protection of race and religion", which discriminate against women and girls based on, inter alia, their ethnicity and religion. The Committee is particularly concerned:

(a) That the Buddhist Women Special Law imposes restrictions on Buddhist women who wish to marry outside their faith;

(b) That the Monogamy Law imposes penalties on unmarried couples who cohabit, and its implementation may have a disproportionate impact on women;

(c) That the Population Control Health-Care Law, which restricts the right of women to freely choose the number and spacing of children, could be used to further restrict childbirth among ethnic minority women, in particular Rohingya women in northern Rakhine State;

(d) That marriage of girls under 14 years of age, with parental consent, is legal.

47. The Committee urges the State party:

(a) To amend or repeal the Buddhist Women Special Law, the Monogamy Law and the Population Control Health-Care Law in order to ensure that marriage laws comply with articles 2 and 16 of the Convention;

(b) To raise the minimum legal age of marriage with parental consent in order to eliminate child marriage and ensure that women who enter into marriage under customary and religious laws are afforded protection.

Optional Protocol to the Convention

48. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

49. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

50. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

51. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

52. The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Treatment or Punishment; the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the other core human rights treaties that it has not yet ratified.

Technical assistance

53. **The Committee recommends that the State party consider seeking international assistance and cooperation and availing itself of technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations as well as the Convention as a whole. The Committee also calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.**

Follow-up to the concluding observations

54. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (a) and (d) and 45 (d) and (f) above.**

Preparation of the next report

55. **The Committee invites the State party to submit its sixth periodic report in July 2020.**

56. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**